

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF HAWAII

Whitehead EW  
nsc 1/17

3 THE ESTATE OF ERIK A. POWELL, ) Civil No.  
4 THROUGH PERSONAL REPRESENTATIVE ) CV04-00428LEK  
5 MARY K. POWELL; THE ESTATE OF )  
6 JAMES D. LAUGHLIN, THROUGH PERSONAL )  
7 REPRESENTATIVE RAGINAE C. LAUGHLIN; )  
8 MARY K. POWELL, INDIVIDUALLY; )  
9 RAGINAE C. LAUGHLIN, INDIVIDUALLY; )  
10 CHLOE LAUGHLIN, A MINOR, THROUGH )  
11 HER NEXT FRIEND, RAGINAE C. )  
12 LAUGHLIN, )  
13 Plaintiffs, )  
14 vs. )  
15 CITY AND COUNTY OF HONOLULU, )  
16 Defendant, )  
17 and )  
18 CITY AND COUNTY OF HONOLULU, )  
19 Third-Party Plaintiff, )  
20 vs. )  
21 UNIVERSITY OF HAWAII, a body )  
22 corporate; JOHN DOES 1-10, JANE )  
23 DOES 1-10; DOE CORPORATIONS and )  
24 DOE ENTITIES, )  
25 Third-Party Defendants.

EXHIBIT "2"

21 DEPOSITION OF JAMES HOWE

22 Taken on behalf of Plaintiffs at the Law Offices  
23 of Ian L. Mattoch, 737 Bishop Street, Suite 1835,  
24 Honolulu Hawaii, commencing at 10:00 a.m. on  
October 16, 2006, pursuant to Notice.

25 Before: WILLIAM T. BARTON, RPR, CSR NO. 391  
Notary Public, State of Hawaii

1 Q. Then we'll focus on Hanauma Bay.

2 A. Yes.

3 Q. Has staffing increased?

4 A. Yes.

5 Q. And when, with regard to Hanauma Bay

6 only, was that staffing changed?

7 A. I can't give you the exact date. I

8 could go and dig it out. I could find it.

9 The last couple of years, we went from

10 four lifeguards daily to six. And we also created

11 a bridge job position up in the Education Center,

12 which is really just a lifeguard who can't do

13 beach duties for medical reasons, and we have them

14 stationed up in the Education Center to talk to

15 visitors, to advise the Education staff and the

16 Hanauma Bay staff about conditions and things that

17 are happening.

18 Q. And you don't recall when this increase

19 from four to six --

20 A. Not specifically. I'm sorry.

21 Q. Was it after 2002?

22 A. To the best of my recollection, yes.

23 Q. Prior to 2002, do you know whether the

24 lifeguarding at Hanauma Bay changed from four

25 to -- was it more before, after?